



Welcome to the NIEHS!

This is a brief introduction of the types of service provided to you by the Office of Equal Opportunity & Diversity Management - NIH. We are co-located with the NIEHS Library and the room # is A0-09.

We can be reached at 919.541.2475.



Please complete the EEO online training within three (3) months of your employment in NIEHS

<http://eeotraining.nih.gov/default.asp>

- **Module 1 - Prevention of Sexual Harassment**
Is mandatory for all NIH employees
Mandatory (This is tracked by database.)
- **Module 2 - Disability Awareness**
Encouraged
- **Module 3 - Diversity Management**
Encouraged

Where can you find NIH EEO Policies?

<http://oeo.od.nih.gov/PoliciesResources/eeopolicies.html>

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- **NIH EEO Policies & Guidelines** - NIH has established policies and guidelines to ensure equal employment opportunity.
 - [Policy Statement on Equal Employment Opportunity and Diversity Management](#) (January 26, 2005)
 - [Policy Statement on EEO Management Directive 715 \(MD-715\)](#) (July 12, 2004)
 - [Policy Statement on Reprisal](#) (June 22, 2004)
 - [Policy Statement on Sexual Harassment](#) (June 8, 2005)
 - [Policy Statement on Respect in the Workplace](#) (January 7, 2000)
 - [Policy on Reasonable Accommodations](#) (August 1, 2001)
 - [OEODM Guidance on EEO Critical Performance Element](#)
 - [Critical Performance Element for SES, SBRS, Title 42](#): Promoting EEO and Workforce Diversity Programs
 - [Critical Element for GM/GS/WS/ Code 2 Managers](#) and Supervisors: Performing EEO and Workforce Diversity Programs

Where can you find Federal EEO Regulations?

- **Federal EEO Regulations**
- The [U.S. Equal Employment Opportunity Commission](#) provides enforcement, oversight, and coordination of all federal equal employment opportunity regulations, practices, and policies:
- [Title VII of the Civil Rights Act of 1964](#) (Title VII), which prohibits employment discrimination based on race, color, religion, sex, or national origin;
- [Equal Pay Act of 1963](#), which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;
- [Age Discrimination in Employment Act of 1967](#) (ADEA), which protects individuals who are 40 years of age or older;
- [Title I and Title V of the Americans with Disabilities Act of 1990](#) (ADA), which prohibit employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments;
- [Sections 501 and 505 of the Rehabilitation Act of 1973](#), which prohibit discrimination against qualified individuals with disabilities who work in the federal government;
- [Civil Rights Act of 1991](#), which, among other things, provides monetary damages in cases of intentional employment discrimination;
- Civil Service Reform Act of 1978 (CSRA), which contains a number of prohibitions, known as [prohibited personnel practices](#).

NIEHS Director's Policy Against Harassment

<http://oeo.od.nih.gov/PoliciesResources/eeopolicies.html>

Date: January 31, 2006

To: All NIEHS Employees

From: Director, NIEHS & NTP

Subject: Policy Against Harassment

We are committed to providing a workplace free of sexual harassment, intimidation, threats, coercion or discrimination (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions) as well as harassment, intimidation, threats, coercion or discrimination based on such factors as race, color, religion, national origin, age, physical disability, mental disability, reprisal, and sexual orientation.

We strongly disapprove of and will not tolerate harassment of employees by managers, supervisors or coworkers. Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance. Such conduct constitutes harassment when: submission to the conduct is made either an explicit or implicit condition of employment;

- submission to or rejection of the conduct is used as the basis for an employment decision; or
- the harassment interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.
- Harassing conduct can take many forms and includes, but is not limited to, slurs, jokes, statements, gestures, pictures or cartoons regarding an employee's sex, race, color, national origin, religion, age, physical disability, mental disability, reprisal and sexual orientation.

Sexually harassing conduct in particular may include all of the above prohibited actions as well as other unwelcome conduct such as requests for sexual favors, conversation containing sexual comments and unwelcome sexual advances.

You should report any incident of harassment, including work-related harassment by any personnel, promptly to your supervisor or manager and/or the Equal Employment Opportunity Office, Bldg 101, Room A0-07, (919) 541-2475. If your supervisor is the individual who is harassing you, we emphasize that you are not required to complain first to that individual. Every reported complaint of harassment will be investigated thoroughly, promptly and in a confidential manner. In addition,

we will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint.

David A. Schwartz, M.D.
Director, National Institute of Environmental Health Sciences
and Toxicology Program

EEO Complaint Process Overview

<http://oeo.od.nih.gov/ComplaintsProcessing/overview.html>

- **Who May File?**
- Anyone with an NIH employment relationship, an applicant for employment, or a former employee who believes that he or she has been discriminated against because of race, sex, sexual orientation, color, national origin, religion, age, physical or mental disability, or reprisal (for previous EEO activity) may file an EEO complaint.
- **What is the Procedure for Filing?**
- A precomplaint must be filed no later **than 45 calendar days** following an alleged discriminatory incident, act, or event; the effective date of an alleged discriminatory personnel action; or the date that the aggrieved person knew, or reasonably should have known, of the event or personnel action. Please contact the OEODM for filing instructions at 301.496.1551 (voice) or 301.480.3122 (TTY).
- **What Options are Available for Precomplaint Processing?**
- Anyone filing a precomplaint may elect to have a traditional EEO counselor or a referral for alternative dispute resolution (ADR). An EEO Counselor conducts an inquiry and attempts to resolve the precomplaint. If the complaint is not resolved, the EEO Counselor will hold a final interview within 30 days of the date the matter was brought to his or her attention. If it appears, however, that resolution is possible given more time, the complainant may agree in writing to extend counseling for an additional period of time, not to exceed 60 days. At the end of the counseling period, the EEO Counselor will provide the aggrieved person with a notice of the right to file a formal complaint.
- The NIH offers several forms of ADR through the NIH Center for Cooperative Resolution. There are several ADR mechanisms available, but the method most widely used is mediation. If an aggrieved person elects a referral for ADR, the ADR resource will discuss the available options.



EEO Information for New Employees About Federal Equal Employment Opportunity Laws

- Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits employment discrimination based on race, color, religion, sex, or national origin

NIEHS Procedure of Reasonable Accommodation

www.niehs.nih.gov/oeeo/accomdat.htm

- **What is Reasonable Accommodation?**
- Reasonable accommodation may be a variety of solutions addressing the needs of an individual to include change of duty time, place, equipment and environment.
- Reasonable accommodations are provided to qualified employees and applicants with disabilities.
- **Requester's Responsibility**
- Each employee or job applicant must initiate a request. The requests are changes in the work environment or in the way things are customarily done that would enable an individual with a disability to perform the essential functions of the job or enjoy equal benefits of employment.
- It is the responsibility of the employee or applicant to provide appropriate medical information related to the functional impairment and requested accommodation where the disability and/or need for accommodation is not obvious.
- NIEHS may require that the individual provide reasonable documentation from an appropriate professional, such as a doctor, social worker, or rehabilitation counselor about the disability and his or her functional limitations.
- **Where to Request?**
- An oral or written request may be made to the immediate supervisor, manager in the immediate chain of command, Equal Employment Opportunity Office, Human Resources Operations Branch E. If the accommodation requires changes beyond their scope, supervisors will consult with the Chief, Facilities Engineering Branch or Health and Safety Branch as appropriate.
- **Supervisor's Responsibility**
- Request medical substantiation when the need for reasonable accommodation is not known, if requester has not previously provided it. NOTE: Medical information should be forwarded directly to the Occupational Health Physician via the Health and Safety Branch.
- Supervisor must complete the Confirmation for Reasonable Accommodation Form. Submit this form to EEO, MD A002, or HRMB, MD EC-11. An [online PDF version of the form](#) is available for downloading.
- **Process for Approval/Disapproval**
- The person receiving the request for accommodation should notify other Institute offices (supervisory chain, EEO, HRMB) of the request. Verbal and written requests are to be processed.
- An acknowledgment of the receipt of the oral or written request should be made within three calendar days by the decision-making body or 1st line supervisor.
- A response for granting or denying the request should be made within 15 calendar days from the initial request by the appropriate body or 1st line supervisor. The response will include what accommodations will be provided, why they will be provided and how they will be provided.
- assist the individual until a decision or the requested accommodation can be made.
- The denial for any requested accommodation shall be specified in writing by the 1st line supervisor or appropriate body within 15 calendar days.
- If a request is not approved, the ADR Ombudsman process is available within 30 days and the EEO process within 45 days.
- If the request is not approved, the written denial must state prompt reconsideration of the denial may be made through use of the discrimination complaint processing program. As an alternative, the Office of Ombudsman may also be used to seek resolution.
- **Additional Resources**
- [NIH Policy of Reasonable Accommodations](#)
- [A Comprehensive Source for Job Accommodations](#)

Contact us when you have further questions

- Kathy Odenwald
NIH - Office of Equal Opportunity & Diversity Management
Division of IC Services – servicing NIEHS and NIDCD
odenwald@niehs.nih.gov
919.541.1417 Fax: 919.541.0731
- Virginia (Ginny) Ivanoff
Equal Employment Program Specialist
NIH - Office of Equal Opportunity & Diversity Management
ivanoff@niehs.nih.gov
919-541-3675
- Gerard J. Roman
NIH Office of Equal Opportunity & Diversity Management
Division of Program Evaluation
roman@niehs.nih.gov
(919) 541-3430, 1-888-473-4959